

# A Letter Concerning the ACT whereby the Practicers of LAW are to take the Oathes, and Make and Subscribe the Declaration therein mentioned.

SIR,

I Have perused and considered the Act of Parliament lately passed, Requiring *The Practicers of Law* to take the Oaths, and make and subscribe the Declaration therein mentioned: And by this Act it is Enacted, That if any Person after the Twenty fifth of *May* instant, shall act as a Serjeant at Law, Councellor at Law, Barrister, Advocate, Attorney, Solicitor, Proctor, Clark or Notary by Practising in any manner as such in any Court or Courts whatsoever, not having before the time of such Acting taken in the Court of Chancery, or Kings-Bench, or Quarter-Sessions of the County wherein he lives the Oaths mentioned in an Act made in the First Year of the Reign of King *William* and Queen *Mary*, For the Abrogating of the Oaths of Allegiance and Supremacy, and appointing other Oaths, and made and subscribed the Declaration in the Act made *Anno 25. Ca. 2.* For preventing dangers which may happen from *Popish Recusants*, such persons shall incur all the Pains, Penalties and Forfeitures, mentioned in the Statute of *Provision and Premunire*, made *Anno 16. R. 2.*

The Words, *Any person that shall Act in any Court or Courts whatsoever*, Comprehend all Courts of Law and Equity, Courts in the Counties Palatine of *Durham, Lancaster, Cheshire, Ely*, the Courts of the Stanaries, Courts in Cities, Corporations County, and Hundred Courts, Courts of Ancient *Demefne, &c.* and all Ecclesiastical and Spiritual Courts, and the Practicers therein, are to incur the said Penalties if they shall practise after the said Twenty fifth of *May*, not having taken the said Oaths, and made and subscribed the said Declaration.

Some of the Penalties mentioned in the Act of 16 R. 2. *Ca. 5.* are, *That the Party that incurs the same, shall be put out of the Kings protection, shall forfeit his Lands, Tenements, Goods, and Chattels to the King, and his body shall be taken and brought before the King and His Council, there to Answer, &c.* This new Act being so lately published before it was well known, the Quarter-Sessions in most Counties were over, whereby it became impossible for the Practicers there to take the Oaths and make and subscribe the Declaration; and thereby the Oaths cannot now be taken, and the Declaration and Subscription made before the Twenty fifth of *May* but in the Court of Chancery or Kings-Bench, which considering the great numbers of persons concerned in all parts of *England* and *Wales*, and *Barnwick upon Tweed* will be impossible to be done; and though some Quarter-Sessions may be adjourned, yet no person that lives out of that County for which those Sessions were held can take the Oathes, and make and subscribe the Declaration there for his Indempnity.

It may be Objected by some, That they have formerly taken these Oathes, and made and subscribed the Declaration, and therefore not necessary to be done again by them.

In Answer to this, It is the Opinion of many that though these Oathes have been taken, and the Declaration made and subscribed by some persons, yet the same persons are by this Act to take the Oathes, and make and subscribe the Declaration again; and the same are now done by the Practicers and Attorneys belonging to the Courts at *Westminster*, who have formerly taken the Oathes, and made and subscribed the Declaration being it was for their safety so to do. And if any person concerned to take the Oathes, and make and subscribe the Declaration according to this Act, shall not or cannot do so before or on the Twenty fifth of *May* instant, (if he would avoid incurring the said Penalties) must then (as I apprehend) wholly forbear to Act in his Profession until he shall have taken the Oathes, and made and subscribed the Declaration.

You see what a long Letter I have Writ, and that with much plainness the case requiring it, being designed for the information as well of those who may not think themselves but are concerned in this Act, or have not Read, or so well Considered it as they ought, as for a Caution to those who for want of time cannot perform what by this Act they ought. I am,

Your Servant.

London, May 6. 1696.

Printed for *Thomas Cater*, at *Barnards-Inn-Gate* in *Holbourne*.

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